



REMARKS

Claims 39, 41, 42, 44, 45 and 47-56 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims of U.S. Patent No. 6,586,448. The rejection states that although the conflicting claims are not identical, they are not patentably distinct from each other because the claims have significant overlap. The rejection also states that claim 39 is obvious over claim 1 of '448. The rejection also states that claims 41 and 42 are obvious over claims 3 and 6 respectively of '448. The rejection also states that claims 44 and 45 are obvious over claims 8 and 11 of '448. The rejection also states that claims 47-56 are obvious over claims 5, 9 and 14 of '448.

Applicants submit that an obvious rejection under the judicially created doctrine of double patenting over the claims of U.S. Patent No. 6,586,448 (the patent that issued from the immediately preceding parent application) is unwarranted as far as it relates to the timewise extension of the patent. This application claims priority from the parent application and accordingly has the same normal expiration date as U.S. Patent no. 6,586,448. Therefore, there is no unjustified or improper timewise extension. Applicants hereby submit a Terminal Disclaimer that addresses the issue of the sale/license of one patent independent to another during the term of the patent.

Applicants urge that this application is in condition for allowance, which action is respectfully requested.

Please charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 16-1445. Two copies of this sheet are enclosed.

Respectfully submitted,

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